

**SAN ANSELMO PLANNING COMMISSION  
MINUTES OF SEPTEMBER 14, 1998**

The San Anselmo Planning Commission was convened at 7:30 p.m. in the Council Chamber by Chair Zwick.

**CALL TO ORDER**

**Commissioners Present:** Chair Zwick, Commissioners Harle, Wittenkeller, Dowd, Cronk, House, and Israel

**Staff present:** Planning Director Chaney, Senior Planner Wight, and Associate Planner Griffin

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke during this time.

**CONSENT AGENDA**

1. Minutes – August 17 and August 31, 1998
2. **V-9840 - Carol Saneimino, 146 Meadowcroft Drive, A/P 5-141-28**, Negative Declaration and Variance request to construct a concrete retaining wall for creek erosion purposes within 0' of the rear and side property lines that would be 50' long and 7' in height (20' required), on property located within the R-1 Zoning District. (Staff person: Chaney)
3. **DR-9832 – Heidi Krahlung for Insalata Restaurant, 120 Sir Francis Drake Boulevard, A/P 6-241-02**, Design Review to enclose the existing outdoor dining area on property located within the C-3 Zoning District. (Staff person: Chaney)

At the request of Chair Zwick, Item 2, 146 Meadowcroft Drive, was removed from Consent.

M/s Israel/Harle, and unanimously passed (7-0) to approve Minutes of August 31, 1998, and Item 3.

M/s Israel/Harle, and passed (6-1 Zwick to abstain), to approve Minutes of August 17, 1998.

Chair Zwick advised all parties of interest of the ten-day appeal period.

**PUBLIC HEARING**

1. **SR-9802 – Beacon Gas, 750 Sir Francis Drake Boulevard, A/P 6-091-40**, sign review of two internally-illuminated signs (channel lettering) on both the East and West facing sides of the canopy over the fuel pumps.

Ms. Chaney advised the Commission that the applicant was requesting a continuance.

M/s Israel/Zwick, and unanimously passed, (7-0), to continue the application to the meeting of October 5, 1998.

2. **V-9828/DR-9821/S-9801 – Eric Layton for Dan and Donna Streckfus, 6-42 Red Hill Avenue, A/P 6-201-55**, 1) Design Review to construct a new 2,000 square foot commercial retail/office building on an existing parking lot between 42 and 60 Red Hill Avenue; 2) Sign Review to construct a free-standing monument sign; and 3) Parking Variance to reduce the size of two parking spaces from 9' x19' required to 8' x 16' proposed, and a possible Parking Variance to allow fewer than the 7 required parking spaces, on property located within the C-3 Zoning District. (Staff person: Chaney)

Ms. Chaney presented the staff report, noting that staff is recommending denial without prejudice or obtaining a waiver of time from the applicant regarding the processing.

In response to Commissioner Israel, Ms. Chaney stated that they would have to reduce the size of the building by 500 square feet to eliminate one parking space. That, however, has not been evaluated by the Public works Director as to whether or not it will work.

Commissioner Israel stated that he did not think the parking maneuvers would be any different if the applicant was proposing the original application with the parking underneath. Ms. Chaney responded that they were required to have a 25' back out area, which they did have.

Commissioner Israel asked if it would be staff's preference to have a building on stilts and have adequate parking or inadequate parking, but still have public safety. Ms. Chaney stated that staff feels that this lot should never have been created. But in order to have the Commission approve the lot, they required the applicant to prove the parking and the building could work on the lot. Hence, the building on stilts.

Commissioner Israel stated that he would rather grant variances rather than have a building on stilts with parking underneath.

Commissioner Wittenkeller stated that if the application is approved with substandard parking, they could use the adjacent driveway for maneuverability, and when the adjacent property owner comes in for a proposal, then make that property owner conform.

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Ms. Chaney agreed, however the adjacent property has absolutely refused to work with the applicant.

Commissioner Wittenkeller wondered if the Town could prohibit the adjacent property owner from constructing a fence. Ms. Chaney responded that the Police Department has said that backing out would be required but that is not acceptable to them. But by right, they could construct a fence.

Dan Streckfus, applicant, stated that Mr. Koblick gave them an easement to have an additional 4' to the Marin Ironworks. There is adequate parking in the neighborhood, on the street as well as parking on site. He felt that being required to have seven spaces is not reasonable. He would like to have the building kept the same size but only be required to have six spaces. He is also opposed to a fence.

Commissioner Israel wondered if particular spaces are viewed as the most problematic. If so, perhaps that space could be used specifically for employees only.

Ms. Chaney stated that the Public Works Director has specifically called out space #3.

Chair Zwick stated that he could approve the application with space 3 to be an employee space or going with six spaces and the current building configuration.

Commissioner Wittenkeller wanted the 7 spaces on site, with employees to use the worst ones.

M/s House/Wittenkeller, and unanimously passed (7-0), to approve the application with 7 parking spaces, with the findings listed in the August 31<sup>st</sup> staff report. Additional conditions are: 1) the most difficult parking space, space number 3, would be used for employee parking. 2) Street tree(s) are required, if appropriate by staff.

Chair Zwick advised all parties of interest of the ten-day appeal period.

**3. V-9836 – Alexa Plate and Tim Smith, 147 Meadowcroft Drive, A/P 5-142-04, a parking variance to remove a one car carport in conjunction with adding a family room and master bedroom suite and maintaining the existing one car garage and one car parking space on the driveway, on property located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Chaney presented the staff report.

Commissioner Israel stated that he calculated the lot coverage is 30%. Chair Zwick added that the plans indicate 30.3 % lot coverage.

Alexa Plate, applicant, had no problems with the conditions listed in the staff report. They have plans to move the washer and dryer into the house. Her only concern is saving the Crape Myrtle by extending the driveway. She would prefer approving the tandem parking or increasing the parking at the front of the driveway.

Commissioner Dowd supported staff report without condition number 2.

Commissioner Israel stated that the double driveway is not very good and it means that a car will always be parked in front of the property.

M/s Dowd/Wittenkeller, and passed (6-1 Zwick to abstain), to approve with the exception of condition E2.

**Conditions of approval**

1. the washer and dryer (and any other permanent structures), in the garage which reduce the size below 9' by 19' shall be removed permanently; 2. Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time only, one-year extension can be requested in writing to the Planning director prior to the expiration date.

Chair Zwick advised all parties of interest of the ten-day appeal period.

**4. Re-evaluation of V-9819 – Peter Thompson, 26 Vineyard, A/P 7-265-13, Hearing to re-evaluate V-9819 which was denied by the Planning Commission on 6/1/98. The request was to: 1) extend a recently approved retaining wall within 0' of the front property and within 0' of the easterly side property line. Wall height up to 9' and will eliminate existing parking space along Vineyard; 2) After-The-Fact request to amend a previously approved variance (applicant was granted variance to build a carport within 4' of the front property line in 4/94). Errors were made by staff, which helped determine a recommendation for denial. Errors are related to existing coverage on the lot, on property located within the R-1 Zoning District. (Staff person: Griffin)**

Ms. Chaney presented the staff report.

Commissioner Israel stated that if the wall is extended 10', stairs would be required to get to the house and that would also require a variance.

Peter Thompson, applicant, stated that they initially started out to get more out door living space by increasing the retaining wall. They also now understand that parking is a real problem in the neighborhood and they want more parking. The new plans reflect the as built condition with the

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overhang. Something must be done to retain the hillside. He felt the compromise would be to add parking and retain the hillside. He explained his current proposal. The parking can be used by the neighbors as well as his family. The wall, in its current configuration is ugly and he is trying to compromise.

Commissioner Wittenkeller stated that he likes the concept of the additional parking space and filling it with earth. He is creating a 9' vertical drop area but a guardrail would also be required. He would like to see an iron railing that vines could spill down over.

Commissioner's Harle and Cronk could support the proposal.

Commissioner House wondered if it would be possible to soften the entranceway.

Commissioner Israel explained that he did not approve the project in 1995 because of lot coverage and is not in support of increasing the lot with additional retaining walls. However, since the carports are being placed underground, it seems like the two spaces should be allowed.

Ms. Ann advised the Commission that the lot coverage would be 38.5% if both parking spaces were covered.

M/s Dowd/ Wittenkeller, and passed (6-1 Israel to vote no), to extend a previously approved retaining wall 20' additional feet along the entire frontage of the property. Wall is within 0' of the front property line and within 0' of the easterly side property line and 9' high. Conditions of approval are: 1) that a guardrail be constructed where required; 2) the existing two spaces shall be covered with earth; 3) Landscaping and drip irrigation to be reviewed and approved by staff; 4) The new calculation are to be verified by staff; and 5) plans date stamped received by the Town of San Anselmo 9/14/1998.

Chair Zwick advised all parties of interest of the ten-day appeal period.

**5. V-9843/DR-9833 – Michael and Mary Birnbaum, 220 Brookside Drive, A/P 5-132-31, Design Review of a 1,290 square foot second story addition and a 78 square foot first floor room extension (in addition, a covered porch is proposed on the first floor which is not subject to design review) and a parking variance to permit the existing parking to remain (the garage width is less than the Code minimum requirement of 9' in the area of the stairs), on property located within the R-1 Zoning District. (Staff person: Wight)**

Ms. Wight presented the staff report. Staff has received one letter of opposition from the owner of 10 Brookmont Circle.

Michael Birnbaum, applicant, presented letters of support from several neighbors. He stated that they want the addition so they could stay in the neighborhood with their growing family. He presented a model of the potential addition. They wanted an addition that would fit into the neighborhood. By adding the porch they are trying to have a setback. They have also added the dormer and roof pitch for articulation. There is a large magnolia tree in front of the house, which would screen a portion of the addition, and there would be no visual impact from the side. Brookmead Court is across the street and therefore there is no house directly across the street. The adjacent house at 222 Brookside Drive is a single story house, but the addition is next to the garage that only has one window. The design would be shingle on top with stucco on the first story to make the house aesthetically pleasing. They currently have a tree/bush in the front of the house and they do not plan to change that. They can currently get a car in the garage but they could take the shelving and work bench out if necessary. There are large houses in the neighborhood. The house next door is 2,600 square feet and there are other two story homes in the neighborhood.

Fred Butterfield 214 Brookside Drive, stated he is the next door neighbor and this addition would not affect him. He has seen the plans and the neighbor has worked with him. The addition will not restrict his privacy, the height with the second story is approximately 25.6" and it will not negatively affect him.

Christopher Dean, architect representing the applicant, stated they were sloping the roof away from the street to mitigate the impact from the street. The ridgeline is only 9' above the current ridgeline of the house. They are going higher on the other side of the house for visual interest but it is next to the neighbor's garage and will have minimal impact. Also, the second story addition only impacts the adjacent neighbors yard area in the very late afternoon. They have used minimal fenestration so they will not be able to look into their neighbor's yards. They cannot see into the rear property yard because of trees and landscaping.

Commissioner Dowd stated that he initially wanted to see the second story pulled back to 8' but now that he has not seen any negative impact from the neighbors he could approve the project.

Commissioner Wittenkeller agreed with Commissioner Dowd.

Commissioner Harle agreed with Commissioner Dowd.

Commissioner Cronk abstained because she lives within 300 feet of the project.

Commissioner House stated she could support the project.

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Commissioner Israel stated that the opportunity to step back would minimize the rooms on the second story. If the bathroom were set back to break down the wall to the neighbor, he would like that. His biggest problem is that it is a large addition and there is only enough space for one car in the garage and the second car would be left in front of the garage. He would like to see a little more detail, perhaps a trellis, to help soften and he was unable to support the current parking situation.

Chair Zwick stated the house is too large with a FAR of 44%. This neighborhood generally has small lots and small houses.

Mr. Dean stated that he calculated the FAR at 39%.

M/s Wittenkeller/House, and passed, (4-2-1 Noes: Israel, Zwick Abstain: Cronk), to approve the parking variance and design review.

Findings for approval:

**DESIGN REVIEW**

**Residential R-1 and R-2 design review for additions to existing dwellings and accessory structures originally and legally built less than eight feet but not less than five feet from the interior side property line.**

(A) *Conformance to findings in Section 10-3.1505(d) above;*

*(1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;*

There are other two story houses within the neighborhood. 1) because of the presence of similar materials on houses in the neighborhood;

*(2) Provides for protection against noise, odors, and other factors, which may make the environment less desirable;*

Because it is in line with other structures in the neighborhood;

*(3) Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;*

Because it is an upgrade of the property;

*(4) Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and*

Will have not impact on the existing roadway and traffic

*(5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.*

Because it is designed in a manner to meet health or safety code.

*(B) Is of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood.*

Because of the presence of other two story homes within the neighborhood.

**DESIGN REVIEW**

**Residential R-1, R-2, and R-3 administrative design review below one hundred fifty feet msl.**

1.. *Will not unreasonably impair access to light and air of structures on neighboring properties.*

Because of the setbacks of the proposed 5' setback seems adequate to light and air to the adjacent properties.

2. *Will not unreasonably affect the privacy of neighboring properties.*

Because of carefully placed windows.

3. *Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.*

Because it will be designed and built to meet all codes.

Conditions of approval:

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1. The applicant must redesign the garage to remove the workbench/cabinets/steps from the garage to allow for one-19'x9' clear parking space.
2. That the request for Design Review and variance be granted in accordance with the plans date stamped 7/28/98, received by the Town of San Anselmo Planning Department.
3. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Chair Zwick advised all parties of interest of the ten-day appeal period.

Mr. Dean stated that they would have to access the garage from outside the house or relocate the water heater.

6. **DR-9831 – Peter Joseph and Marci Levine, 53 Summit Road, A/P 7-031-44, Design Review** for additions to the first and mid levels and a deck on the mid level, on property located within the R-1 Zoning District (above 150' mean sea level). (Staff person: Wight)

Ms. Wight presented the staff report.

Jared Polsky, architect representing the applicant, stated the awning will be black canvas and they will use the native species if necessary, although it is difficult to see the house.

M/s Dowd/Harle, and unanimously passed (7-0), to approve the application based on findings and conditions as set forth in the staff report.

Conditions of approval:

1. Prior to issuance of building permits, those trees identified to be preserved shall be protected in order to minimize damage to the existing trees during construction of the addition.
2. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low level light, low wattage light fixtures, which cast light in a downward direction. Such lighting should be permitted for safety and security purposes only and must be unobtrusive and maintain privacy.
3. The exterior materials shall be as follows:  
  
Roof: Grey/Brown composition shingles to match existing  
Siding: Natural cedar shingles to match existing  
Windows: Black aluminum  
Awning: A dark, natural color to be approved by staff
4. New landscaping shall include two: 36" box native trees in the location as shown on the plans, with the species to be approved by staff. Landscaping shall have drip irrigation.
5. Should construction not begin within one year from the date of the approval, the approval shall be considered null and void. A one time only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.
6. Prior to building permit issuance, a deed restriction listing the above condition nos. 2, 3, and 4 shall be signed by the applicant, notarized, and recorded at the County.

Chair Zwick advised all parties of interest of the ten day appeal period.

7. **DR-9830 – Rolf and Maggie Morgenlaender, 1349 San Anselmo Avenue, A/P 7-052-52, Design Review** to build a new 2,828 square foot 2 story house. Project includes a 400 square foot garage to be added to existing/separate dwelling unit, on property located within the R-1 Zoning District. (Staff person: Griffin)

Mr. Griffin presented the staff report.

Rolf Morgenlaender, applicant, stated that they are not using the other unit as a second unit. He presented photographs that indicate the neighborhood has several 2 and 3 unit dwellings. The neighbors on the north side will get shade. They removed the living room and bedroom in the little house in the rear and intend to use it as a recreation area. There will also be ample off street parking. They are willing to sign a deed restriction as proposed by staff because they have no intentions of using it as a rental. He would however, like to maintain the kitchen facilities.

Commissioner Israel stated the design of the house is very responsive and the street is going through a transformation of style and change. His biggest problem is the proximity of the one story house. This is a very narrow lot, although he has seen another successful design done by the architect on a narrow street. He is nervous about the space in the rear becoming a business. There is maximum coverage on the lot now and not much green outside space.

Commissioner House liked the design of the front of the house and liked the interior with the curved stairway.

Commissioner Cronk liked the design but was concerned about the potential of a second unit or office and was also concerned about the amount of paved area.

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Commissioner Harle was concerned about the close proximity of the structures but he does not see any good solution. He is concerned about the old structure and would require removal of the kitchen.

Commissioner Wittenkeller would like to see a landscape plan that could be reviewed by staff. Want to see street tree softening, and landscaping that will not block light to the adjacent house; want deciduous light airy plants. Driveway gate is functional but takes up some yard space. Likes the house but it is very tight on the site.

Commissioner Dowd said he would like to see the garage maybe pushed back on the lot.

Chair Zwick said that he is not so concerned about the closeness of the house next door because it was built right on the property line but he was concerned about the paved area.

Commissioner Israel stated that it seems like a lot of house on such a small lot.

Mr. Griffin noted that the Public Works Department does not allow two driveways.

Commissioner House supported landscaping in front but wanted the kitchen removed.

Commissioner Wittenkeller said he could support one car parking in the front. He has no problem with the kitchen as long as there is a deed restriction.

Commissioner Harle also felt the kitchen should be removed.

Commissioner Dowd stated he was not convinced this is a perfect solution but would like an alternative solution or a redesign.

Commissioner Israel said he supports a slight redesign. The house in the rear does not bother him but the new house is very large for the site and the neighborhood.

M/s Wittenkeller/House, and passed, (5-2 Noes: Zwick and Israel), to approve the project based on the findings and conditions as set forth in the staff report; and with the additional conditions: 1) that the right hand driveway be eliminated; 2) parking in front to be eliminated; and 3) a landscape plan be required with approval by staff.

Conditions of approval:

1. That the request for Design Review be granted to construct a new two story house and detached garage in accordance with the plans date stamped September 10, 1998, received by the Town of San Anselmo Planning Department.
2. A Deed Restriction shall be recorded signed and recorded with the Marin County Recorder prohibiting the use of the existing structure to be used as dwelling unit. Structure shall be void of all items including but not limited to, kitchen appliances, food preparation and/or storage, sink, cookware etc. All utility service in the kitchen area (except electric outlets pursuant to UBC) shall be removed and capped within sealed walls.
3. Applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
4. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
5. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Mr. Morgenlaender stated that the front was intended as a lawn area and they intend to plant drought resistant plants and he does intend to do more landscaping. He noted that the rear is used for a turn around.

Chair Zwick advised all parties of interest of the ten day appeal period.

8. **V-9842/U-9834 – Erik Bjorkquist, 526 Red Hill Avenue, A/P 6-091-60, 1) Parking Variance to reduce the total number of spaces from 8 required to 0; and 2) Use Permit to allow a residential unit in an existing building (formerly San Anselmo Printing) to accommodate a live/work arrangement, on property located within the C-3 Zoning District. (Staff person: Griffin)**

Mr. Griffin presented the staff report. He noted that they would have to demolish the curb cut and add a curb if they are approved for on-street parking.

Commissioner Wittenkeller said he does not want to give up the potential parking space within the garage even though it was used as a carriage house.

Mr. Knott, representing the applicant, stated that he would like a continuance to have the opportunity to meet with Police Chief Del Santo. He would also be willing to remove the curb cut because backing out of the garage could be dangerous. The applicant only has a motorcycle, they do not have a car. There is a potential to park in several areas on Red Hill. There is substantial termite work that needs to be done prior to design review. He has discussed using some of the commercial parking next door but it is currently in an estate process and they are not interested in talking with them now.

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Chair Zwick wondered why there is no design review now, and in fact this is not a complete application. The plans do not even show floor plans, elevations or adjacent buildings. If this is a use permit, the information does not seem complete.

Commissioner Israel noted that it is difficult to determine the scope of the project and requested more details. He has a hard time approving a use permit without dealing with the esthetics. He is however, supportive of what the applicant is proposing.

Mr. Knott stated that there is no change to the interior.

Commissioner Cronk encouraged the applicant to proceed with on street parking and a complete package.

Commissioner Israel and Chair Zwick said they were not supportive of on street parking even though there is a hardship.

Commissioner Dowd wanted the applicant to explore the use of the existing garage.

Mr. Knott stated that they intent to paint but is looking for direction. He will meet with Chief Del Santo but wonders what else is required.

Commissioner Israel suggested shared parking with a commercial businesses for over night parking.

Commissioner House stated that off street parking is preferable but there should be an agreement that if the option does not work out, there could be off street parking.

Commissioner Cronk said she supported over night parking on street.

Commissioner Wittenkeller did not think permitted on street parking is not a good way to go. Would like to see off street parking.

Commissioner Dowd was not convinced that the garage could be re-worked.

M/s Israel/Zwick, and unanimously passed (7-0), to continue the application to the meeting of 10/5/98.

**2. V-9840 - Carol Saneimino, 146 Meadowcroft Drive, A/P 5-141-28, Negative Declaration and Variance request to construct a concrete retaining wall for creek erosion purposes within 0' of the rear and side property lines that would be 50' long and 7' in height (20' required), on property located within the R-1 Zoning District. (Staff person: Chaney)**

The applicant was not present.

Ann Chaney stated that it might place the Town in a position when they are changing the structural integrity of the engineer.

Chair Zwick suggested that there were alternatives that would provide bank stabilization but not be so obtrusive.

Commissioner Wittenkeller stated that it would be nice to change the wall in an aesthetic way but this has urgency to it. He will not question an engineering solution in this situation.

Commissioner Israel stated he was a little nervous about staff's comments if the Commission is seen downgrading the wall and whether or not the Town could be liable. He would like the Town to study and make design guidelines for future creek work.

Commissioner Cronk concurred with Commissioner Israel, she would like to see something less costly and more environmentally sensitive in the future.

M/s Wittenkeller/House, and passed (6-1 No: Zwick), to approve the application based on staff report with the addition of lamp black in the concrete.

Chair Zwick advised all parties of interest of the ten day appeal period.

**CONTINUED ITEMS**

**1. ER-9701/PDP-9803 - Curtis Eisenberger, A/P Nos. 5-031-35, 5-081-07, and 5-081-19, Review of Negative Declaration regarding Environmental Impact and Precise Development Plan to subdivide a 21.66-acre parcel of land into four home sites on 5.95 acres and dedication of 15.71 acres for public open space. The project site is located at the end of Traxler and Valley Roads and covers the steeply sloping hillsides on either side of the drainage course, on property located within the R-1-H Zoning District. (Staff person: Wight) CONTINUED TO 10/5/98**

**PDP-9505/Parcel Split-9503/V-9549/DR-9525 - Carlos Castro, 444 Redwood Road, A/P 7-191-10, 1) Land Division, Precise Development Plan, Density Determination, and Design Review to split an existing property currently developed with a single family residence in order to construct a new house; 2) a Variance to construct a retaining wall a total of 60' long along the uphill side of Redwood Road (within 0'**

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of the property line) in order to widen Redwood Road to 15' of paving for fire safety reasons; and 4) remove one heritage tree (30" bay) on property located within the R-1-H Zoning District (above 150' mean sea level) (Staff person: Chaney) **CONTINUED TO 10/5/98.**

**ADJOURNMENT TO MONDAY, OCTOBER 5, 1998.**

The meeting was adjourned at 11:30 p.m.

**BARBARA CHAMBERS**